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## Dedication: Dale E. Bennett

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Dale E. Bennett  
*Emeritus Professor of Law*

*This issue of the  
Louisiana Law Review  
Is Respectfully  
Dedicated to  
Professor Dale E. Bennett*

## Professor Dale E. Bennett

### *A DEDICATION*

Early this year when word of Professor Bennett's impending retirement was received, the undersigned wrote him in part as follows:

I write with a certain pain of regret to acknowledge your letter advising me of your desire to retire at the end of the current Spring Semester. Your retirement comes at a time when Louisiana State University Law School can ill afford to lose a faculty member of your long service and distinguished attainments.

As the months have passed since that writing, the sense of regret has become more keen and the realization of the Law School's loss even more severe. In Dale Bennett, who has served the Law School for 41 years, it can be aptly said that the School is losing "Mr. Criminal Law of Louisiana," for he is so regarded by those who have been privileged to work with him.

Dale Elmer Bennett, born May 3, 1906, ironically enough in Crooksville, Ohio, completed his undergraduate degree at Ohio Wesleyan University in 1928, entering thereafter the Ohio State University Law School where he was awarded the J.D. degree in 1931. Mr. Bennett practiced with the recognized Columbus, Ohio, firm of Postlewaite and Power for one year before furthering his studies as a Sterling Fellow at Yale University. He was subsequently awarded the J.S.D. degree in 1934. He held membership in Omicron Delta Kappa, Phi Kappa Phi, Delta Sigma Rho, and Order of the Coif. Mr. Bennett first came to the Louisiana State University Law School in 1933. With the exception of a two-year teaching stint at the University of Texas from 1936 through 1938, he has remained a faithful, dedicated, and productive member of the LSU Law School Faculty.

I look back fleetingly to 1938 when, as Dean, I welcomed him back to LSU. Mr. Bennett's return happened to coincide with the founding of the Louisiana Law Review in 1938. The quality of his work and effort in supporting the Review throughout his career has been a major factor contributing to the prestige the Review has attained. Mr. Bennett's scholarly interests, enthusiastic encouragement, and standards of the

highest degree have evidenced themselves in the direction of student work as well as in his own writings appearing in the Review.

An able administrator, Dr. Bennett served as Dean of the Law School during World War II from August, 1942 through October, 1945. He was also called upon to serve as Assistant to the President of the University from April, 1943 through May, 1945. Had he desired, he could easily have chosen a successful career in administration, but Dr. Bennett's heart was ever in the classroom. Evidence of this is literally borne in the minds and memories of his many hundreds of students over the years. He was a conscientious, brilliant, and gifted classroom man; he was always well prepared both in the pertinent principles of the subjects in his field and in the meticulous details of variations and applications. He had the exceptional gift of being able to explain difficult material in a manner to make it understandable to students. As a noted scholar in the fields of Criminal Law, Criminal Procedure, and the Administration of Criminal Justice, he brought to the classroom a broad background for effective teaching. Difficult questions on the frontiers of the law in his rapidly developing field were handled with rapport and effectiveness. His classroom performance brought to bear the art of the teacher, the depth of the scholar, and the combined knowledge and idealism of a man who has worked for many years on the practical aspects of changing the law to make it a better tool for the achievement of justice. His excellence in teaching merited for him the coveted award of Distinguished Faculty Fellow for 1967-68, an award conferred only upon scholars whose work has achieved the highest levels of professional recognition.

Among Professor Bennett's former students are persons occupying high positions in the judiciary and in the ranks of practicing attorneys, including a large number of law enforcement officers and prosecuting attorneys. He was ever at home in legislative halls for there his students were to be found, eager to assist in efforts for reform of the law. No greater tribute could be paid to Professor Bennett's ability and reputation as a teacher than to here record that such former students and a host of others have constantly turned to him for advice and help. He has given generously of his time in this respect on an uncompensated basis and in a manner above and beyond the call of normal duty. Such re-

quests from judges, district attorneys, and from the Attorney General's office involved constantly altering concepts and new decisions in the fields of criminal procedure and criminal law, and their handling required a type of "continuing legal education and information process" where Professor Bennett has continued to bring to his former students the expertise he exemplified in the classroom. It should be especially noted of Dr. Bennett that he brought to the classroom a lively zest for teaching. He exuded interest and stimulated enthusiasm on the part of his students. The quality of his courses was unexcelled. He was there because he loved students and wanted to see them understand and succeed in the law.

Professor Bennett's service to the profession is without equal in the area of the criminal law. He was one of the three draftsmen of Louisiana's Criminal Code of 1942, the excellence of which has brought national recognition to this phase of Louisiana law. This codification, of which he was the major architect, gained success through legislative adoption—a feat which even Louisiana's great codifier Edward Livingston did not achieve. He was a reporter and coordinator for the Louisiana Code of Criminal Procedure adopted by the Legislature in 1966. At the national level, he served on the American Law Institute's Advisory Committee for the Model Penal Code. In 1964, he served as a moderator at the National Conference on Bail and Criminal Justice. His presentation at the National Judicial Conference on the Administration of the Standards of Criminal Justice in 1972 was one of the highest order and reflected great credit upon the University in an assembly said to be one of the most significant conferences of Appellate Judges ever held in the nation. His work in these areas merited the attention of various states undergoing similar projects; the distant State of Hawaii sought his services for consultation in a broadly planned revision of the criminal, juvenile, and correctional laws of that State.

His extensive writings have enriched the legal literature in the fields of Criminal Law, Criminal Procedure, and Corporations. Judges, district attorneys, law enforcement officers, and lawyers generally have been immeasurably aided by his penetrating exposition of difficult problems involved in making the transition to newer approaches in the administration of criminal justice. A bibliography of his writings annexed hereto gives ample indication of the breadth of his benign influence upon Louisiana law. Professor Bennett's unselfish

participation in many programs of continuing legal education has reflected credit upon the University and its Law School. Professor Bennett served as a pioneer in many areas at the LSU Law School, breaking "new ground" in many a new subject in the curriculum. He willingly assumed extra teaching burdens when personnel resources were not extensive and the teaching of as many as four separate subjects was the rule rather than the exception.

Professor Bennett's loyalty to LSU has been inspiring. A number of years ago he declined to permit his name to be considered for the deanship of a law school in the northern United States, listing as his reason his wish to continue serving in an environment which had been very good to him. More recently, Professor Bennett declined accepting opportunities to teach at other prestigious schools, indicating that he would like to spend his last years at LSU teaching (among others) the sons of former students. Professor Bennett's scholarship and achievements brought deserved acclaim to himself. In his modesty he elected to credit always the University to which he was so loyal. His chief hobby is athletics, and for years he served as a devoted member of the University's Athletic Council.

Professor Bennett was ever easy to work with. Early in his career he relinquished teaching Criminal Law and Criminal Procedure—the subjects in which he later became such an authority—to another at the request of his dean at that time. During his stay at Texas, mention was made of his cheery smile and friendly attitude being missed in the Law School. I recall that he was always willing to work in whatever area his services were needed: his constant reply in regard to requests for faculty assignments was ever, "Whatever meets your manpower needs." Such attitudes rarely come to the surface in the law school world of today.

A constant champion of the student's cause, Dr. Bennett could always be counted on to "go to bat for" the student if merit was on his side. Conversely, he had a fair and firm approach which was accepted by students because they knew that a thorough evaluation of the problem at hand had received his understanding consideration. He has been a member of the Student-Faculty Relations Committee of the Law School virtually since its inception. His service in this area has averted many potentially serious problems for the Law School by his contributions in the give and take of open

and frank discussion of difficult problems close to the hearts of the students. Equally impressive has been his concern over the professional future of his students. He has worked strenuously in matters of professional placement and is especially noted for the manner in which he has helped to match students with requests for recommendations for law clerks or law associates so often directed to his personal attention. His interest did not end with initial placement; he followed students wherever possible through their professional lives and was ever on hand at alumni gatherings to greet and help the LSU graduate along the pathway to professional success. Noteworthy is the training given to his research assistants, and the impact of this service upon their careers collectively would give vivid illustration of the influence and joy that Mr. Bennett derived in knowing their achievements. Graduates realized this and they became his supporters for law improvement whether in professional organizations or in legislative halls. The stature of a faculty member is appropriately measured by the opinion of his students later in their professional life. Former students would bespeak the worth of Professor Bennett in highest terms.

Professor Bennett once described himself as a "transplanted Yankee" to whom LSU and Louisiana have been good. The opposite more closely captures the truth. He has been good to LSU and to Louisiana. He has been a noble and gentle person, a tireless and accomplished scholar, a friend to those in need, and a diligent worker to improve the welfare of his fellow citizens through his contributions to the law and the administration of criminal justice.

We take comfort in the fact that in his retired status as Professor Emeritus of Law at LSU, Professor Bennett will still be with us and his influence in the Law School and in the Louisiana Law Institute will continually be felt. He has left an indelible mark on the development of criminal law in this State and richly deserves—along with his wife Pauline—our sincerest gratitude for services performed and best wishes for the more leisurely retirement years ahead. May his contemplated travels all have happy landings.

*Paul M. Hebert*  
*Dean*

Baton Rouge, La.  
April 14, 1976



CONTRIBUTIONS TO LOUISIANA LAW AND TO THE ADMINISTRATION OF CRIMINAL JUSTICE

Draftsman of the *1942 Louisiana Criminal Code* (one of three).

Draftsman of *1942 Probation, Parole and Sentencing Statutes* (one of five).

Draftsman for the Louisiana District Judges Legislative Program for 1948.

Organizing Chairman (1942) of the Criminal Law section of the La. State Bar Association.

General Co-ordinator of the revision of Louisiana's statutes. Adopted in 1950.

Co-ordinator and draftsman of *1966 Louisiana Code of Criminal Procedure* (one of three).

Reporter for Continuous Revision of Louisiana Codes of Criminal Law and Procedure, 1966-1973.

Advisory Committee for Continuous Revision, since 1974.

Member Louisiana Commission on Law Enforcement and the Administration of Criminal Justice, 1968-1974.

Advisor to Attorney General's Committee for Misdemeanor Jury Trial Legislation, 1968.

Advisor to Governor's Commission for the Study of Capital Punishment, 1973.

Advisor, American Law Institute Model Penal Code.

SERVICE TO LOUISIANA STATE UNIVERSITY LAW SCHOOL

Member of LSU Law Faculty since 1933.

Acting Dean of LSU Law School—August 1, 1942 to October 14, 1945.

Assistant to the President—April 14, 1943 to May 31, 1945.

## PUBLICATIONS

- Alternative Parties and the Common Law Hangover*, 32 MICH. L. REV. 36-62 (1933).
- Bringing in Third Parties by the Defendant*, 19 MINN. L. REV. 163-95 (1935).
- Louisiana Annotations to the Restatement of the Law of Conflict of Laws*. St. Paul, American Law Institute, 1937.
- Rights and Liabilities of the Infant Partner*, 25 GEO. L.J. 351-70 (1937).
- The Modern Law—An Estate in Land or a Contract*, 16 TEX. L. REV. 47-73 (1937).
- The Work of the Louisiana Supreme Court for the 1937-1938 Term—Corporations*, 1 LA. L. REV. 404-08 (1939).
- Injunctive Protection of Personal Interests—A Factual Approach*, 1 LA. L. REV. 665-94 (1939).
- The Work of the Louisiana Supreme Court for the 1938-1939 Term—Banking and Negotiable Instruments*, 2 LA. L. REV. 120-33 (1939).
- The Louisiana Business Corporation Act of 1928*, 2 LA. L. REV. 597-647 (1940).
- Remodeling, Merger and Dissolution of Louisiana Corporations: A Critical Survey*, 3 LA. L. REV. 481-521 (1941).
- The Work of the Louisiana Supreme Court for the 1940-1941 Term—Corporations, Criminal Law and Criminal Procedure*, 4 LA. L. REV. 273-89 (1942).
- The New Louisiana Criminal Code*, 5 LA. L. REV. 6-52 (1942).
- The Work of the Louisiana Supreme Court for the 1941-1942 Term—Criminal Law and Procedure, Torts*, 5 LA. L. REV. 236-62 (1943).
- The Work of the Louisiana Supreme Court for the 1942-1943 Term—Criminal Law and Procedure*, 5 LA. L. REV. 554-79 (1943).
- Louisiana Legislation of 1944—Criminal Law and Procedure*, 6 LA. L. REV. 9-23 (1944).
- The Work of the Louisiana Supreme Court for the 1943-1944 Term—Criminal Law and Procedure*, 6 LA. L. REV. 173-212 (1945).
- The Work of the Louisiana Supreme Court for the 1944-1945 Term—Criminal Law and Procedure*, 6 LA. L. REV. 644-75 (1945).
- The Work of the Louisiana Supreme Court for the 1945-1946*

- Term—Business Associations, Criminal Law and Procedure*, 7 LA. L. REV. 257-60, 288-316 (1946).
- The Work of the Louisiana Supreme Court for the 1946-1947 Term—Criminal Law and Procedure*, 8 LA. L. REV. 281-305 (1947).
- The Work of the Louisiana Supreme Court for the 1947-1948 Term—Criminal Law and Procedure*, 9 LA. L. REV. 247-77 (1948).
- The Work of the Louisiana Supreme Court for the 1948-1949 Term—Criminal Law and Procedure*, 10 LA. L. REV. 198-226 (1950).
- Louisiana Revised Statutes of 1950*, 11 LA. L. REV. 4-21 (1950).
- The Work of the Louisiana Supreme Court for the 1949-1950 Term—Criminal Law, Criminal Procedure*, 11 LA. L. REV. 142-50 (1951).
- Criminal Law and Procedure, and Penal Institutions*, 15 LA. L. REV. 55-65 (1954).
- The Work of the Louisiana Supreme Court for the 1954-1955 Term—Corporations, Criminal Law and Criminal Procedure*, 16 LA. L. REV. 334-58 (1956).
- The Insanity Defense—A Perplexing Problem of Criminal Justice*, 16 LA. L. REV. 484-96 (1956).
- Legislation Affecting Criminal Law and Procedure*, 17 LA. L. REV. 52-63 (1957).
- The Work of the Louisiana Supreme Court for the 1955-1956 Term—Criminal Law and Procedure, Legislation*, 17 LA. L. REV. 364-69, 404-20 (1957).
- The Work of the Louisiana Supreme Court for the 1956-1957 Term—Criminal Law and Procedure*, 18 LA. L. REV. 119-38 (1957).
- Revision of Louisiana's Code of Criminal Procedure—A Survey of Some of the Problems*, 18 LA. L. REV. 383-414 (1958).
- The Work of the Louisiana Supreme Court for the 1957-1958 Term—Criminal Law and Procedure*, 19 LA. L. REV. 79-84 (1958).
- Extradition—A Comparison of Louisiana Law and the Uniform Act*, 20 LA. L. REV. 32-49 (1959).
- A Study of Law of Arrest*, Louisiana State Law Institute, 1959.
- The Work of the Louisiana Supreme Court for the 1958-1959 Term—Criminal Law and Procedure*, 20 LA. L. REV. 315-34 (1960).
- The Work of the Louisiana Supreme Court for the 1959-1960*

- Term—Criminal Law and Procedure*, 21 LA. L. REV. 66-77 (1960).
- A Study on Preliminary Examinations*, Louisiana State Law Institute, 1960.
- A Study on the Law of Extradition*, Louisiana State Law Institute, 1960.
- The Work of the Louisiana Supreme Court for the 1959-1960 Term—Criminal Law and Procedure*, 21 LA. L. REV. 366-78 (1961).
- A Study on Bail*, Louisiana State Law Institute, 1961.
- The Work of the Louisiana Supreme Court for the 1960-1961 Term—Criminal Law and Procedure*, 22 LA. L. REV. 380-96 (1962).
- The Work of the Louisiana Appellate Courts for the 1961-1962 Term—Criminal Law and Procedure*, 23 LA. L. REV. 64-70 (1962).
- A Study on Arraignment and Pleas*, Louisiana State Law Institute, 1962.
- A Study on Indictment and Information*, Louisiana State Law Institute, 1962.
- A Study on Instituting Criminal Prosecutions*, Louisiana State Law Institute, 1962.
- A Study on the Motion to Quash*, Louisiana State Law Institute, 1962.
- A Study on the Right to Counsel*, Louisiana State Law Institute, 1962.
- Report on Proceedings in Criminal Cases Before Trial*, Louisiana Judicial Seminar, 1962.
- The Work of the Louisiana Appellate Courts for the 1961-1962 Term—Criminal Procedure*, 23 LA. L. REV. 398-405 (1963).
- A Study on Insanity Proceedings*, Louisiana State Law Institute, 1963.
- Right to Counsel—A Due Process Requirement*, 23 LA. L. REV. 662-72 (1963).
- The Work of the Louisiana Appellate Courts for the 1963-1964 Term—Criminal Law and Procedure*, 24 LA. L. REV. 326-40 (1964).
- A Study of the Recusation of Judges and District Attorneys*, Louisiana State Law Institute, 1964.
- A Study of the Dismissal of Prosecution*, Louisiana State Law Institute, 1964.
- A Study of the Presence of the Defendant*, Louisiana State Law Institute, 1964.

*A Study of the Bill of Exceptions*, Louisiana State Law Institute, 1965.

*A Study of the Grand Jury*, Louisiana State Law Institute, 1965.

*A Study of Motions for a New Trial and in Arrest of Judgment*, Louisiana State Law Institute, 1965.

*A Study of Sentence*, Louisiana State Law Institute, 1965.

*Louisiana Legislation of 1964—Criminal Law and Procedure*, 25 LA. L. REV. 40-46 (1965).

*The Work of the Louisiana Appellate Courts for the 1963-1964 Term—Criminal Procedure*, 25 LA. L. REV. 455-60 (1965).

*The 1966 Code of Criminal Procedure*, 27 LA. L. REV. 175-230 (1967).

*The Work of the Louisiana Appellate Courts for the 1966-1967 Term—Criminal Procedure*, 28 LA. L. REV. 421-28 (1968).

*The Work of the Louisiana Appellate Courts for the 1967-1968 Term—Criminal Procedure*, 29 LA. L. REV. 299-310 (1969).

*The Work of the Louisiana Appellate Courts for the 1968-1969 Term—Criminal Procedure*, 30 LA. L. REV. 309-21 (1970).

*The Work of the Louisiana Appellate Courts for the 1969-1970 Term—Criminal Law and Criminal Procedure*, 31 LA. L. REV. 370-81 (1971).

*The Work of the Louisiana Appellate Courts for the 1970-1971 Term—Criminal Procedure*, 32 LA. L. REV. 334-44 (1972).

*The Work of the Louisiana Appellate Courts for the 1971-1972 Term—Criminal Procedure II*, 33 LA. L. REV. 300-06 (1973).

*The Work of the Louisiana Appellate Courts for the 1972-1973 Term—Criminal Law*, 34 LA. L. REV. 332-47 (1974).

*The Work of the Louisiana Appellate Courts for the 1973-1974 Term—Criminal Procedure II*, 35 LA. L. REV. 493-524 (1975).

*The Work of the Louisiana Appellate Courts for the 1974-1975 Term—Criminal Law*, 36 LA. L. REV. 502-12 (1976).